

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BENTLEY A. HOLLANDER	:	CIVIL ACTION
	:	
v.	:	
	:	
B. BRAUN MEDICAL, INC.	:	NO. 10-835

ORDER

AND NOW, this 20th day of May, 2010, upon consideration of the defendant's Motion to Stay (Docket No. 12), and the response and reply thereto, IT IS HEREBY ORDERED that the Motion is GRANTED as follows:

1. This case shall be STAYED and placed in CIVIL SUSPENSE pending the outcome of two decisions on appeal in the United States Court of Appeals for the Federal Circuit: Stauffer v. Brooks Brothers, Nos. 2009-1428, 2009-1430, 2009-1453 (Fed. Cir.) and Pequignot v. Solo Cup, No. 2009-1547 (Fed. Cir.).

2. The parties shall promptly inform the Court when a decision is reached in Stauffer and Pequignot.

The Stauffer case concerns the extent of statutorily-created standing under the False Marketing Statute, 35 U.S.C. § 292, the statute at issue in this case. The Pequignot case concerns the interpretation of one element of a claim under the statute, the requirement that the defendant have an "intent to deceive the public." Decisions in these appeals will likely clarify the legal issues in this case. The plaintiffs have not

shown that they or the public will suffer prejudice from the stay or that the state of the current law is sufficiently settled that the outcome of Stauffer and Pequignot will not help resolve this matter.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.